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# Utah State Legislature

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July 6, 2010

Jon M. Memmott, Chair  
Utah Constitutional Revision Commission  
Utah State Capitol Complex  
Salt Lake City, Utah 84114-5210

Dear Chair Memmott and Commission members:

Our Government Operations and Political Subdivisions Interim Committee, at its June 23, 2010 meeting, discussed a discrepancy between the Utah Code and the Utah Constitution regarding local referendums. At the conclusion of the Committee's discussion, the Committee approved a motion requesting that the Utah Constitutional Revision Commission also study this issue.

## The Discrepancy:

The Utah Constitution Article VI, Section 1 allows legal voters, under conditions provided by statute, to "require any law or ordinance passed by the law making body of the county, city, or town to be submitted to voters ... before the law or ordinance may take effect." However, Utah Code Subsection 20A-7-601(3)(b) states that the "local law remains in effect until repealed by the voters via a referendum." How should this apparent conflict be addressed? Should the law or ordinance that is being subject to a local referendum be in effect or not in effect while a local referendum is pending?

For your easy reference, attached is a copy of the relevant provisions from the Utah Constitution and the Utah Code. Also, attached is a copy of the staff presentation given to our Committee.

We would appreciate receiving any recommendations your Commission might have regarding how best to resolve this discrepancy.

Sincerely,

Sen. Peter C. Knudsen  
Senate Chair

Rep. Fred R Hunsaker  
House CoChair

Rep. Craig A. Frank  
House CoChair

Enclosures